

(AMENDED) Approved on September 21, 2004

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF SEPTEMBER 7, 2004

MINUTES

Board Members Present:

**Robert Guerette, Chairman
Patricia Cummings
Ryan King
David Clark
Hal Wheeler
Bill Masters
Nathaniel Rosenblatt
Jonathan Siegel**

City Staff Present:

**David Gould
James Ring
Katherine Weber
Peter Witham**

City Councilors Present:

**Councilor D'Errico
Councilor Gratwick**

News Media Present:

Bangor Daily News

Chairman Guerette called the meeting to order at 7:00 p.m.

CONSENT AGENDA

Item No. 1: Site Development Plan approval to construct a new gravel driveway, and a hexagonal gazebo located at 1 College Circle in a Low Density Residential District. Husson College, applicant.

Chairman Guerette requested a motion on the Consent Agenda. Mr. Rosenblatt indicated that he had a few questions for the applicant, and requested that the item be removed from the Consent Agenda. Chairman Guerette indicated that typically items removed from the Consent Agenda are placed under New Business but given that there are no other applications before the Board they would take it up next.

Mr. Rosenblatt asked how access to the new gravel drive would be controlled. Mr. Dan Hamm, Director of the Physical Plant, indicated that it would be patrolled by security personnel. Mr. Ham indicated that if inappropriate use did occur, it could be gated or other steps taken.

Mr. Rosenblatt asked if a condition limiting the road not for general use would be acceptable. President William Beardsley indicated that the plan was to patrol the roadway. They would gate it if the need arose due to inappropriate use. Mr. Rosenblatt proposed the condition that the roadway remain unpaved and not be a general thoroughfare for the campus.

Ms. Pat Cummings asked about the history of the President's house. President Beardsley gave a brief overview of the history of the property.

Mr. King asked about the Board's ability to attach conditions. Ms. Katherine Weber indicated that the Board would vote on any motion containing specific conditions. Should the motion fail to gain support through a second to that motion, there would have to be a second motion without conditions. Chairman Guerette and Mr. Wheeler indicated that they did not see the need for any additional conditions. The Chairman moved to approve the application. Mr. Wheeler seconded the motion, and it passed unanimously.

APPROVAL OF MINUTES

Item No. 2: Planning Board Approval of Minutes.

Chairman Guerette indicated that there were Minutes of the Planning Board Site Visit to the proposed Libby View Subdivision on August 31, 2004. Mr. Wheeler noted that he was not present at the site visit, and would abstain from voting. Mr. King noted that he was not present. Chairman Guerette noted that the alternates, Ms. Cummings and Mr. Masters would vote on these Minutes.

Mr. Masters moved to approve the Planning Board Minutes of the Board Site Visit on August 31, 2004. Mr. Rosenblatt seconded the motion. The Board voted five in favor, and none opposed to approve the Minutes of the Board Site Visit on August 31, 2004.

NEW BUSINESS

Item No. 3: Planning Board Discussion of Application time lines and extension requests.

Chairman Guerette asked Planning Officer Katherine Weber to give the Board an update on the new language proposed for a Land Development Code text amendment

on extensions (165-113). Ms. Weber indicated that the draft amendment was intended to streamline the starting and completion extension process. Presently, the Code Enforcement Office can grant a 60-day extension. The amendment proposes to extend that to six months. Furthermore, extensions would be handled as a minor revision, based on the criteria listed in the Land Development Code. An appeal of the Staff decision would be to the Planning Board.

Mr. Rosenblatt asked about the alternative versions in the Board's packet. Ms. Weber indicated there were two earlier drafts. Mr. Wheeler indicated that the changes seemed reasonable. He did question whether resubmission could be used as a scheme to get more time. Ms. Weber indicated that a new application would in effect start the clock again.

Mr. Masters asked about the time frames. Ms. Weber indicated that 60 days is too short of time for many extensions, especially in the winter months. Mr. Masters noted that recent requests for longer extensions would indicate that the amendment could cause problems for some projects.

Ms. Weber noted that the proposed amendment would allow an applicant two and one-half years to start their project (including a six-month extension by the CEO and a one-year extension by the staff). In addition an applicant would have three and one-half years to complete their project (including a six-month extension by the CEO and a one-year extension by the staff after the initial two-year time frame).

Mr. King asked if the Code Office had be included on this revision, if a narrative meant a written request, and if a summery of extensions could be provided to the Board. Ms Weber indicated that the Code Office participated in the discussions on the proposed revision draft, a written narrative would be requested and records of extension requests are available and would be provided to the Board. Mr. Masters questioned the proposed appeal process. A request to overturn a Staff decision may be burdensome and an applicant may not get a fair hearing. Mr. Masters asked if the appeal should be to the Zoning Board. Ms. Weber indicated that it was consistent with the current language, but they would inquire with the legal Staff if it should appealed to another Board.

Mr. Siegel asked if the language about 12 months per application is intended to be open ended. Ms Weber indicated that the intent was to allow only one extension request per application.

Mr. Rosenblatt noted that the change from 60 days to 6 months was probably a good one. He noted that perhaps the subsequent requests should be limited to two, 1-year extensions by the Board with criteria in the amendment.

Mr. Wheeler indicated that the Board did request a finite limit on extensions. He suggested that the extension time frames be adjusted to allow the granting of a final extension by the Board. Mr. Clark indicated that the applicants should be about ready when they get before the Board, and should not require lots of additional time to start or complete their projects.

Chairman Guerette noted that this was a discussion item that did not need to reach a conclusion this evening. Planning Officer Weber indicated that Staff will incorporate the concerns of the Board into another version of the proposed text amendment.

Mr. Guerette adjourned the business meeting to a Comprehensive Plan Update Workshop session at 7:48 p.m.